IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL
WRIT PETITION NO. 405 (MS) OF 2006

Rampati, Chela Swami Siya Ram Das, S/o late Sri Yamuna Prasad, R/o Nathanpur Jopgiwala, Dehradun.

.....Petitioner.

Versus

1. Additional District Judge/FTC-IV Haridwar.
2. Civil Judge, Junior Division, Haridwar.
3. Mahant Ram Kumar Das, Chela Siya Ram Das, R/o Ved Mandir, Sewa Trust Ramkot Ayodhya, District Faizabad, R/o Ayodhyadham Bhupatwala, Haridwar.
4. Swami Vivekanand Chela Swami Maheshanand President, Swami Mahesanand Bhawan Darbar Trust President, Swami Mahesanand Bhawan Darbar Trust Bhupatwala, District Haridwar. .....Respondents.

Sri B.P. Nautiyal and Sri H.M. Bhatia, Advocates for the petitioner.
Learned Standing Counsel for the respondents no. 1 and 2.

Dated: 25.4.2006

Hon'ble Rajesh Tandon, J.

By the present writ petition, the petitioner has prayed for a writ or certiorari quashing the order dated 7th March, 2006 (Annexure No. 12 to the writ petition) passed by the A.D.J./F.T.C. IV, Haridwar/respondent no.1

Briefly stated, petitioner has filed a suit being Suit No. 396 of 2001 praying for cancellation of the sale deed. Along with the plaint, the plaintiff has also filed an application for injunction. Initially injunction was granted by the Trial Court maintaining the status quo on the application 6 Ga-2 on 13th May, 2004. An appeal was preferred by the respondent and the appellate Court allowed the appeal.

Since the suit is of 2001, therefore, without entering into the merit of the controversy, it is made clear that any construction made by the respondents shall be subject to final result of the suit. However, during the pendency of the suit, the defendant shall not make any 3rd party interest in the property in dispute and shall not change the nature of the property. The Civil Judge shall dispose of the suit within a period of four months from the date of filing of the certified copy of the order.

Subject to the aforesaid observations, the writ petition is disposed of.

(Rajesh Tandon, J.)

25.04.2006
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